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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,350	04/18/2001	Brett B. Bonner	2100.0066	8729
22852	7590	11/18/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			JENKINS, KIMBERLY YVETTE	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/836,350	Applicant(s) BONNER ET AL.	
	Examiner Kimberly Jenkins	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see p. 2, lines 2-19, filed August 9, 2004 of Application No. 09/836350, with respect to the rejection(s) of claim(s) 1, 10, 20-25 under 35 U.S.C. 112(1) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.
2. Applicant's arguments, see p. 3, lines 3-8, and p. 4, lines 21 - p. 5, line 5 filed August 9, 2004 of Application No. 09/836350, with respect to the rejection(s) of claim(s) 1-3, 5-12, 17-20 and 26-28 under 35 U.S.C. 12(b) under Porter (US 5774053); and 35 U.S.C. 103(a) under Porter in view of Heitschel et al. (US 4988992) regarding claims 4, 13-14, and 21-25 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Holcomb et al. (US 5670940).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 12 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Holcomb et al. (US 5670940).

Regarding claims 1, 12, 20, Holcomb, who teaches an electronic lock system with occupancy block, teaches a secured area (hotel room, etc.) having a security device 2 (electronic lock col. 4, lines 14-18). Holcomb also teaches a programming unit (key-generating station at the front desk: col. 1, lines 18-20) that generates a first and second key (access code) to a

Art Unit: 2635

designated area (room) (col. 1, lines 13-33). Holcomb also teaches a programmable tag (card) that stores the access code (col. 1, lines 23-26). Also, Holcomb teaches a validation system, which is located in the electronic lock at the designated area, which stores the validation key (programmed access code) and compares the access key of the programmable unit within the access key stored within the memory in order to allow access to the designated area (col. 1, lines 28-40).

Regarding claim 2, Holcomb teaches the programming unit (key generating station) and the programmable unit (card) as being integrated in a single unit in that the programmable unit (col. 1, lines 23-26).

Regarding claim 3, Holcomb teaches the system wherein the control unit is a microprocessor (col. 4, lines 48-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4, 9, 14, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holcomb et al. (US 5670940) in view of Lee et al. (US 6367011).

Regarding claim 4, Holcomb teaches a memory within the system, but does not disclose the memory as being non-volatile.

However, Lee teaches the system, wherein the memory is a nonvolatile memory (col. 5, lines 4-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the memory to be non-volatile as Lee teaches into the memory of Holcomb, because Holcomb simply discloses a memory that stores codes, whereas Lee discloses a non-volatile memory, which is highly beneficial in the event of power loss.

Regarding claim 9, Holcomb teaches the validation system as including a slot for the programmable unit to be inserted on the exterior of the designated area (room) (col. 4, lines 39-47); however, Holcomb does not disclose a proximity detector causing the communication device to initiate the wireless data communication with the programmable tag upon detecting an object outside the designated area.

However, Lee teaches a smart card, which is passive, that may interface with a variety of devices in order to gain access via the wireless communication (col. 4, lines 35-42). Furthermore, it is well known to one skilled in the art to know that a smart card, which is passive, utilizes proximity detection in order for the card to be read by a reader. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the proximity detector of Lee into the system of Holcomb, because Holcomb teaches a card reader in that which the card is inserted, whereas Lee teaches a passive device, which is known to one skilled in the art to utilize proximity detection in order to reader the signal from the programmable unit.

Regarding claim 14, Holcomb teaches a first and second key that is programmed on to the programmable unit and the electronic lock (col. 1, lines 34-41); however, Holcomb does not disclose the programmable unit to generate an encryption key that is to be included into both the first and second key.

However, Lee teaches that a variety of encryption keys may be generated that are used for the card (col. 7, lines 48-52). In addition, Lee expressively discloses the encryption key as be included in both the first and second key in that which the card receives the encryption and the location that requires the card will also receive the encryption key (col. 8, lines 20-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an encryption key included in to the generated keys as Lee teaches into the coding of Holcomb, because Holcomb discloses a first and second key, whereas Lee disclose an encryption code that is included within the first and second key as a means to protect the data on the card.

Regarding claims 21 and 22, Holcomb discloses a key-generating station for generating a third and fourth key, which are the access codes to another programmable unit and electronic lock (col. 1, lines 16-22); however, Holcomb does not disclose randomly generating an encryption key; and combining the encryption key with a third and fourth key.

However, Lee discloses the encryption key generating means for each programmable unit as aforementioned regarding claim 14.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holcomb in view of Scott et al. (UD 6484260).

Regarding claim 13, Holcomb discloses the security device as being an electronic lock 2 of a door (col. 3, lines 61-66 and Fig. 1). However, Holcomb does not disclose the security device as being a garage door opener.

However, Scott, who teaches a personal identification system for secured facilities, expressively discloses the security device as being a garage door opener (GDO) (col. 4, lines 61-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2635

invention was made to have the GDO to be operated according to the system of claim 1, because Holcomb teaches the security device as being an electronic lock on doors, whereas Scott discloses a variety of secured areas including the GDO, which may also require more than one person to gain access to provide more security to the controlled area.

6. Claims 5-8, 10-11, 15-19, and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holcomb in view of Lee (hereinafter Holcomb) in further view of Porter (US 5774053).

Regarding claims 5-7, Holcomb discloses a system wherein there is communication between the programmable tag and the terminal (col. 5, lines 26-31); however does not disclose transceivers.

However, Porter, who teaches a storage device with an electronic lock, expressively discloses a communication device includes a transceiver to establish a wireless data communication with a corresponding transceiver included in the programmable tag 48 (col. 6, lines 27-29). Furthermore, it is known to one skilled in the art for the radio frequency transceivers to have an antenna to transmit and receive the RF signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize an RF transceiver of Porter into the system of Holcomb, because Holcomb teaches a programmable unit in the embodiment of a card, whereas Porter discloses a transceiver as another means to gain access to a controlled area.

Regarding claim 8, Holcomb teaches the validation system as including a slot for the programmable unit to be inserted on the exterior of the designated area (room) (col. 4, lines 39-47); however, Holcomb does not disclose a proximity detector causing the communication device to initiate the wireless data communication with the programmable tag upon detecting an object outside the designated area.

However, Lee teaches a smart card, which is passive, that may interface with a variety of devices in order to gain access via the wireless communication (col. 4, lines 35-42). Furthermore, it is well known to one skilled in the art to know that a smart card, which is passive, utilizes proximity detection in order for the card to be read by a reader. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the proximity detector of Lee into the system of Holcomb, because Holcomb teaches a card reader in that which the card is inserted, whereas Lee teaches a passive device, which is known to one skilled in the art to utilize proximity detection in order to reader the signal from the programmable unit.

Regarding claims 10-11, Holcomb the validation system as being within the lock, which comprises a slot to read the first key of the programmable card (col. 4, lines 38-42); however, Holcomb does not disclose an input device, such as a keypad.

However, Porter teaches an input device as a keypad 26 for entering a second key that is compared to the stored key within the memory of the controller (validation system) (col. 4, lines 10-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the input device to be included within the system to enable one to enter a key (code) as Porter teaches into the access control system of Holcomb, because Holcomb teaches a card reader that compares the first and second keys, whereas Porter discloses an input device (keypad) as a means to enter a second key.

Regarding claims 15-16, Holcomb teaches a means to prevent personnel from gaining access to the designated area (room) when it is occupied (col. 6, lines 28-37); however, Holcomb does not disclose a pre-determined time period of which the termination is to occur.

However, Porter teaches the control unit causes the security device 22 (lock) to terminate the access to the designated area 10 after a predetermined period of time, for the controller 46 may be equipped to an audio indication for security or be programmed to send a message to law enforcement as a means to prevent unauthorized users from tampering with the designated area (col. 6, lines 56-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a pre-determined time period in order to gain access as Porter teaches into Holcomb, because Holcomb teaches a means to prevent others to gain access while the room is occupied, whereas Porter discloses a means to prevent unauthorized individuals from tampering, vandalizing, or stealing from the designated area.

Regarding claims 17-19 and 26-28, Holcomb discloses the ability for one to activate the lock of the designated area in the event of the vacancy (col. 6, lines 28-37); however, Holcomb does not disclose a clock to determine time and date of access that is to be stored within the memory.

However, Porter teaches the control unit includes a clock to determine the time and date of the access (col. 6, lines 43-46). Porter also teaches that the controller 46 has the ability to activate a unit at a pre-determined time, thus indication a clock means. Furthermore, Porter discloses the control unit 46 as storing the time and date of access in the memory by each user (col. 5, lines 60-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a clock means for the history of access to the designated area as Porter teaches into Holcomb, because Holcomb simply discloses a card reader system, which is well known to maintain a history log of access; however, Porter discloses the history log of access to the designated area to monitor the access flow to the controlled area.

Regarding claim 23, Holcomb discloses the keys as being codes for a given room and also a key for corresponding staff (staff/agent) (col. 2, lines 30-39); however does not disclose the keys as being an address key.

However, Porter (with the above modifications) discloses valid "keys" as being an address (homeowner code) and an agent (vendor) code (col. 6, lines 56-61). Therefore, it would have been obvious to one of ordinary skill in the art to of ordinary skill in the art at the time the invention was made to have the valid key to include the location/address of the designated area as Porter teaches into Holcomb, because Holcomb discloses a guest key code and an agent/staff key code, whereas Porter discloses an address that enables one to keep record of access to the secured, designated area.

Regarding claims 24-25, Holcomb with the modification of Lee, expressly discloses the aforementioned first and second with the appended encryption key (col. 7, lines 48-52 and col. 8, lines 20-31 of Lee). Furthermore, Holcomb in view of Lee discloses the validation means that compares the first key of the programmable unit to the second key stored in the memory of the security device (electronic lock). Additionally, Holcomb in view of Lee expressly discloses the comparison of the agent (staff) (col. 2, lines 30-39); however, Holcomb (with the modifications of Lee) does not expressly disclose the comparison of the address or the access date.

However, Porter teaches verification of address and access date as previously mentioned regarding claims 17-19 and 23. As aforementioned, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the address and access date compared to maintain records of the access of the secured area in order to prevent falsification of information from the agent.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.:

- ❖ Anzai et al. (US 6271745) teaches a system for identifying the user of a vehicle and providing a level of authorization.
- ❖ Sidlauskas (US 4736203) teaches a three-dimensional identification apparatus.
- ❖ Grajewski et al. (US 6580815) teaches a page back intrusion detection device.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Jenkins whose telephone number is 571.272.3064. The examiner can normally be reached on 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571.272.3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Jenkins
Examiner
Art Unit 2635
4 November 2004

KYJ

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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